

U.S. Patent Application No. 10/771,714  
AMENDMENT dated August 15, 2011  
Reply to Decision of Appeal of June 14, 2011

Attorney Docket No. 9206-98875-US

**REMARKS**

Claims 25 and 27 stand rejected under 35 U.S.C. § 103(a) in view of US 6,676,284 (“Willson”). Claim 26 was rejected under 35 U.S.C. § 103(a) given Willson in view of US 5,982,969 (“Sugiyama”). Claims 28 and 29 were rejected under 35 U.S.C. § 103(a) given Willson in view of US 4,811,507 (“Blanchet”). The applicants respectfully traverse these rejections and request reconsideration.

**The Decision of the Board of Appeals**

We previously argued that Willson’s tube-like structure did not equate to our rod-like member. The Board of Appeals found our position unpersuasive given our claim language at the time. In particular, the Board opined as follows:

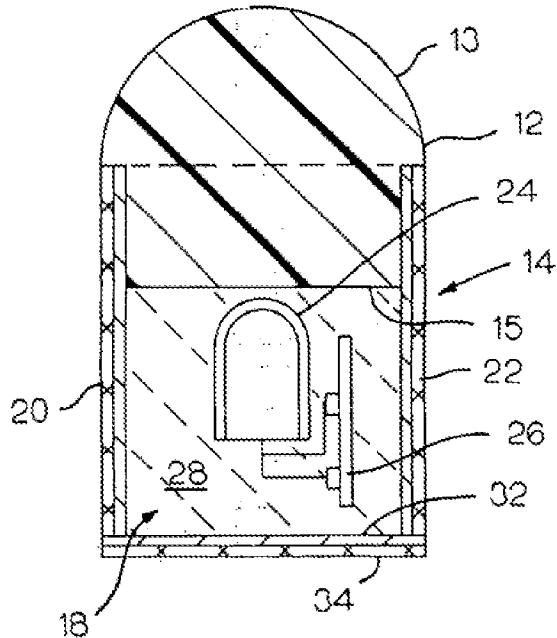
Appellants' invention contains a channel 118 within the solid rodlike member. As such, Wynne Willson's solid tubular diffuser that contains a cavity used to receive a light source is the same as Appellants' solid rodlike member that contains a channel used to receive a light source.

The Board is therefore interpreting our claim as covering our member at a time during manufacture when the member has a vacant channel that can “receive” our light sources as versus the completed apparatus when that cavity has been filled and hence no longer comprises an empty space that can receive another element.

*Independent claim 25*

As shown in our FIG. 3 (reproduced at the right for the convenience of the reader) the cavity to which the Board refers is eventually filled with a potting material (denoted by reference numeral 28). Our specification reads at paragraph 0032 in these regards as follows:

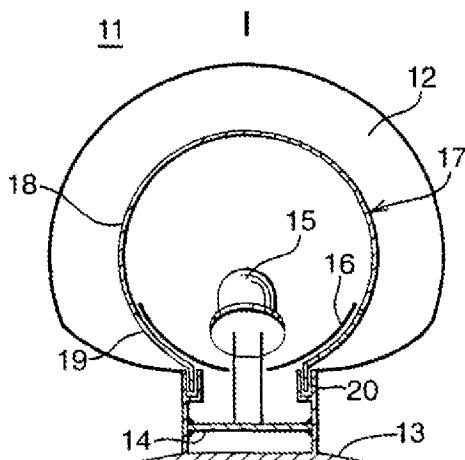
[0032] Finally, in the embodiment illustrated in FIGS. 1-3, the positioning of the light source 24 and electrical accessories within the channel 18 may be maintained by filling the channel 18 with potting material 28. The potting material 28 is made from a highly flexible material, similar to or the same as the material used to make the waveguide 12, resulting in an illumination device 10 with the desired flexibility.



We have amended our independent claim 25 to clearly specify, first, that the circuit board is *disposed* within the rod-like member rather than “received in.” This change helps to avoid a construction of the claim that has the rod-like member inherently including a vacant channel that can “receive” something.

We have also amended our independent claim 25 to specify that “the spaced point light sources and the flexible circuit board [are] in direct physical contact with the rod-like member.” This language further makes it clearer that the “solid” rod-like member is, indeed, “solid” and lacks a vacant, empty tunnel.

Willson, of course, discloses an empty “tunnel” as shown in his FIG. 9 at the



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right above and as described in his text at column 13, line 3. More to the point, Willson leaves this tunnel empty – he never suggests filling this tunnel with another material and hence Willson does not disclose placing his light sources and his circuit board in direct physical contact with his so-called rod-like member.

We respectfully submit that our amended claim language now makes it abundantly clear that our solid, rod-like member does not include a vacant channel and hence is readily distinguished from Willson.

*Dependent claims 26-29*

These remaining claims are ultimately dependent upon claim 25, which claim has been shown above to be allowable. While we believe that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, we also believe that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration.

**Conclusion**

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135. If the Examiner should have any other points of concern, the Examiner is expressly invited to contact the undersigned by telephone to discuss those concerns and to seek an amicable resolution

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



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